HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.1375 of 1998

Date: 29-03-2007.

Between :

A.C.C.I.Employees Union, Hyderabad,
rep. by its General Secretary.

.....Petitioner

And

Industrial Tribunal, Hyderabad-II,
rep. by its Presiding Officer & another.

.....Respondents.

HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.1375 of 1998

ORDER :

This writ petition is filed challenging the Award made in I.D.No.47 of 1994, dated 20th September 1996 on the file of the Industrial Tribunal, Hyderabad-II, Chandravihar building, M.J.Road, Hyderabad.

It appears that one G.R.C. Reddy was suspended as a measure of punishment for a period of 15 days from 13.09.1990 to 27.09.1990 since he adopted go-slow tactics in production of the goods in the factory. Aggrieved by the same, he raised a dispute and ultimately the dispute was referred to the Additional Labour Court-I for adjudication of the following issue—

> *"Whether the management of I.C.I., India Limited, Balanager, Hyderabad is justified in suspending Sri G.R.C.Reddy for a period of 15 days from 13-9-90 to 27-9-90 as punishment for allegedly resorted to go slow tactics.*
> *If not what relief the workman is entitled ?"*

The contention of the petitioner was that he was not

responsible for the alleged go-slow tactics. If his work is compared with other workers, it will be known that he was not responsible for go-slow tactics. That the 2nd respondent has failed to furnish the statements recorded in the enquiry and also the report of the enquiry officer. He was also not given reasonable opportunity to participate in the enquiry. The petitioner wanted the assistance of an ex-employee, but he was not permitted to take such assistance, therefore, he abstained from the enquiry. Further, the punishment inflicted by the 2nd respondent is discriminatory as a similar charge sheet was issued to other employees also but no action was taken against them. Therefore, this amounts to an act of victimization and unfair labour practice.

A detailed counter has been filed on behalf of the management stating that the petitioner's work involves filling of cans, blocking and packing. The critical process is filling of the containers. In September 1990, the petitioner suddenly resorted to go-slow tactics and filling of containers with paint was slowed down falling down from 3866 Litres per day on 07.09.1990 to 1056 Litres per day on 12.09.1990. A Memo was issued to the petitioner on 12.09.1990 but it had no effect. Hence, a charge sheet was issued to the petitioner on 13.09.1990, but his explanation was not satisfactory. Hence, an enquiry was

conducted keeping in view the principles of natural justice. The petitioner wanted the assistance of a co-employee, who

is not working in the same Department. The enquiry officer's hands were tied due to certified Standing Orders and rightly the claim of the workman was rejected. The petitioner did not attend the enquiry. Hence an exparte enquiry was conducted in detail. Actually a major punishment could have been inflicted on the petitioner, but only a minor punishment of suspension was awarded.

On behalf of the workman WWs.1 and 2 were examined and on behalf of the Management, MW-1 was examined. On behalf of the workman, Exhibits W-1 to W-6 were marked and on behalf of the management, exhibits M-1 to M-11 were marked. After a detailed examination of the entire material placed before it, the Labour Court came to the conclusion that the petitioner adopted the go-slow tactics, which resulted in the less production than that was achieved on the previous dates. Therefore, the punishment of suspension of the petitioner for 15 days was confirmed. Aggrieved by the same, the present writ petition is filed.

The learned counsel for petitioner strenuously contended that neither the enquiry was properly conducted nor the punishment imposed is proportionate to that of the misconduct alleged. In fact, there were other

three persons against whom similar charges were levelled, but they are let off with a warning, but the petitioner was inflicted with the punishment of suspension from service for 15 days, therefore, this amounts to discrimination. The learned counsel for respondents supported the Award passed by the Labour Court.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and perused the Award and other material made available on record.

At the outset, I am of the opinion that the Labour Court has not committed any illegality, calling for interference of this Court under Article 226 of the Constitution of India. It is evident on record that the go-slow tactics adopted by the petitioner, who was the leader of a group, has resulted in less production of about 800 litres per day, therefore, it cannot be said that the charge was trivial and the punishment imposed was disproportionate to that of the misconduct alleged or the enquiry was not properly conducted. The Labour Court has passed very reasoned and cogent order in rejecting I.D.No.47 of 1994, and no interference is called for in the matter under Article 226 of the Constitution of India.

Therefore, the writ petition is liable to be dismissed and it is accordingly dismissed. No order as to costs.

C.V.RAMULU, J

29th March 2007

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